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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,478	07/25/2001	Allan Michael De Souza	NL 000440	5124

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510

EXAMINER

MATZ, DANIEL R

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,478

Applicant(s)

DE SOUZA, ALLAN MICHAEL

Examiner

Daniel Matz

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4, 6, 8-9, and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,818,438 granted to Howe et al.

Regarding claim 1, Howe et al. disclose a system, device, and method for providing access to a consumer device (100), comprising the acts of: allowing a user to obtain information with respect to at least one of a plurality of content providers (A-N, 41-44) and to select a content provider from said plurality of content providers, said information is obtained by selecting representations (i.e., a screen image, co. 3, lines 65-76) wherein each representation provides information corresponding to at least one of the plurality of content providers, receiving a selection of a content provider from among the plurality of content providers, and providing the selected content provider access to the consumer device (100), the consumer device including display means.

Regarding claim 3, Howe et al. disclose a system and method whereby providing access comprises receiving a transmission from the selected content provider (i.e., fig. 1, via item 5) and intended for the consumer device (100), and retransmitting the transmission (via. 24, 12, 14, 25, 30 and 65) to the consumer device (100).

Regarding claim 4, Howe et al. disclose a system and method including transcoding the transmission to a compatible format (see col. 20, line 60 – col. 22, line 52, figs 1 and 8).

Regarding claim 6, Howe et al. disclose an arrangement between a gateway system (10) and a consumer device (100) for providing a user-selected content provider access to the consumer device (100), whereby the consumer device comprises input means (65, etc.) for allowing a user to obtain information with respect to at least one of a plurality of content providers (A-N) and to select a content provider from said plurality of content providers, said information is obtained by selecting representations (screen images) wherein each representation provides information corresponding to at least one of the plurality of content providers and selection means (remote control) for submitting a selection indicating the user-selected content provider from among the plurality of content providers to the gateway system (10) in communication with the consumer device (100), the gateway system comprising selection reception means (30) for receiving the selection indicating the user-selected content provider from the selection means, and access means (10, 65, etc.) for providing the user-selected content provider access to the consumer device (100).

Regarding claim 8, Howe et al. disclose an arrangement, whereby the access means (10, 65) are arranged for receiving a transmission from the user-selected content provider (A-N) and intended for the consumer device (10) and retransmitting the transmission to the consumer device (100).

Regarding claim 9, Howe et al. disclose an arrangement including transcoding the transmission to a compatible format (see col. 20, line 60 – col. 22, line 52, figs 1 and 8).

Regarding claims 11-12, see above regarding claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al. as applied to claims 1 and 6 above, in view of USPN 5,812,769 granted to Graber et al.

Howe et al. discloses the technical aspects of the system, but does not specifically disclose the financial/business aspect of a registration form for facilitating a subscription for the user to the selected content provider, or a referral fee from the content provider after arranging the access to the consumer device. Graber et al. teaches a method and apparatus of redirecting a user from a first location or co-marketer CM (interactive server) to a second location or on-line service provider OLS (content provider) using the Internet network. In figures 2 and 4, Graber et al. show the business aspect of using a registration form (or enrolling the user, 240) for facilitating a subscription for the user to the selected content provider (block 205), and figure 7 shows a referral fee (or bounty, 770) from the provider (OLS) after arranging the access

to the consumer device (or co-marketer), see column 9, 1st and 2nd paragraph, especially lines 27 - 30. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the financial/ business aspect of registration and referral fees of Graber et al. with the system and method for providing television service of Howe et al., in order to verify credit of a user (see figure 2 of Graber et al.) and maximize users for a business (column 14, 1st and 2nd paragraph of Graber et al.).

Response to Arguments

5. Applicant's arguments filed 11/24/03 have been fully considered but they are not persuasive. Specifically, applicant argues that the cited references, and specifically Howe et al., do not disclose or suggest allowing the user to obtain information with respect to at least one of a plurality of content providers and to select a content provider where the information is obtained by selecting representations. Applicant is reminded that the examiner will interpret claim language broadly, and the terms "information" and "representations" are not limiting as to scope. Thus, Howe et al.'s disclosure of generating a screen image indicating the availability of additional content from the video service provider (col. 3, lines 65-67) is viewed as reading on applicant's claims, even in their amended form. Thus accordingly applicant's arguments are not found persuasive.

Conclusion

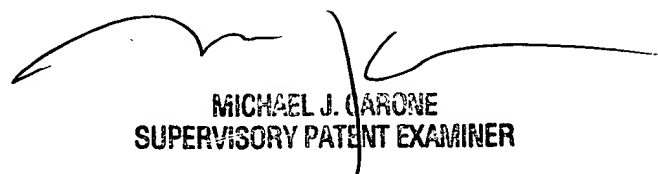
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Matz whose telephone number is (703) 306-4164. The examiner can normally be reached on Mon-Thurs, alt Fri 7:30am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER